

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Robert Edward KOHLER et al.	)	Group Art Unit: 3731
	)	
Application No.: 10/052,156	)	Examiner: U. T. HO
	)	
Filed: January 16, 2002	)	
	)	
For: ENCASED IMPLANT AND METHODS	)	Confirmation No.: 1036
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b), with a response to the non-final Office Action mailed April 21, 2004, and before the mailing date of either a Final action, a Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee payment of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are submitted herewith.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

Regarding the non-English language documents:

WO 96/32972 - An English language Abstract is submitted herewith. Moreover, U.S. Patent No. 6,458,323 B1 (a copy of which is submitted herewith) and U.S. Patent Application Publication No. 2003/0044315 A1 (a copy of which is submitted herewith) are believed to be English language counterpart applications of WO 96/32972.

WO 96/35469 - An English language Abstract is submitted herewith. Moreover, U.S. Patent Nos. 6,251,104 B1 and 6,322,548 B1 (copies of which are submitted herewith), are believed to be English language counterpart applications of WO 96/35469.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

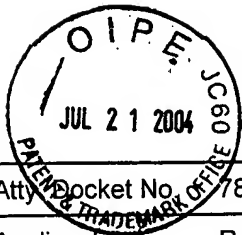
If there is any other fee not already accounted for and due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 21, 2004

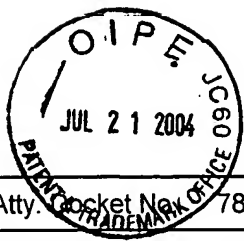
By:   
Michael W. Kim  
Reg. No. 51,880



INFORMATION DISCLOSURE CITATION

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Applicant	Robert Edward KOHLER et al.		
Filing Date	January 16, 2002	Group:	3731

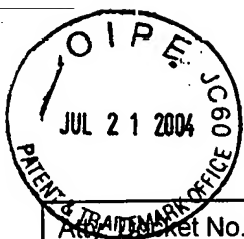
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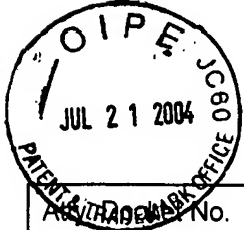
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	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 96/32972	10/1/1996	PCT			Abstract
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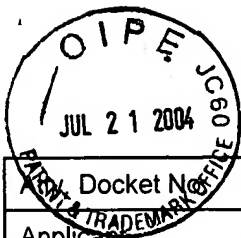


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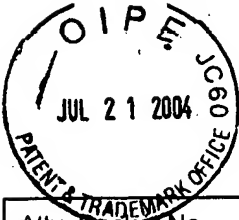
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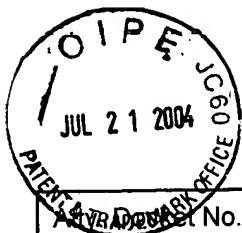




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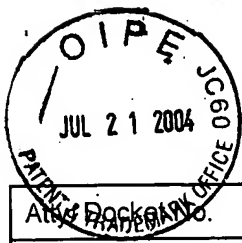
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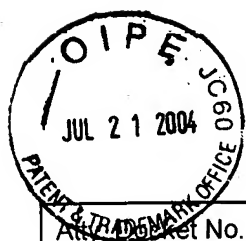
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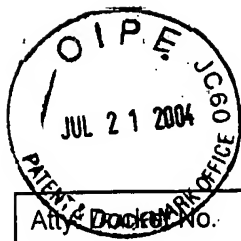
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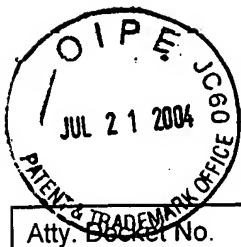
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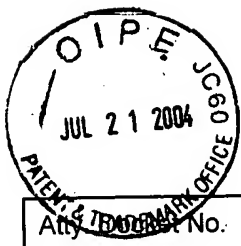


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